ज्वाइंट वेंचर की बात जो माननीय जे० के० जैन ने कही थी तो सेक्शन 27 के तहत फारेन एक्सचेंज देने की जो बात है तो उसमें मैं यह कहना चाहूंगा कि ज्वाइंट वेंचर के अंदर 2 लाख डालर आटोमेटिक रिलीज फारेन एक्सचेंज का किया जाता है । उसके बाद केस-बाई-केस, मेरिट के आधार पर फारेन एक्सचेंज दिया जाता है। माननीय सोलंकी जी जब बोल रहे थे तो उन्होंने भी जो इंडिया के बाहर लोग हैं, उनके लिए प्रापर्टी परचेज के बारे में कहा । मैं स्पष्ट कर देना चाहता हूं कि बिना आर० बी० आई० की परमीशन के कोई इस प्रकार का परचेज नहीं कर सकता। इसके साथ-साथ मैं माननीय सदस्यों को यह भी बताना चाहूंगा कि संसद सदस्यों को, स्टडी टूर के लिए जो 27 हजार रुपये की विदेशी मुद्रा दी जाती थी, वह अब बढ़ाकर एक लाख रुपए की है। मैं इन सभी बातों के साथ, आपके माध्यम से सदन को यह बताना चाहूंगा कि यह जो कुछ भी इसमें परिवर्तन किये गए हैं, वह उदार आर्थिक नीति को सफल बनाने के लिए, विदेशी निवेश बढ़ाने के लिए, औद्योगिक विकास के लिए, निर्यात संवर्धन के लिए और हमारी अर्थ-व्यवस्था में जो अनावश्यक नियंत्रण था, उसके दूर करने के लिए और आधुनिक टेक्नोलाजी के विस्तार और इसे अन्तरराष्ट्रीय प्रक्रिया का अंग बनाने के लिए, अपने उद्यमों को विदेश में उपयोगी बनाने के लिए और लाल फीताशाही, विलंब या जो इसकी कठोर प्रक्रिया बन गयी थी, उसके सरल बनाने के लिए यह बिल लाया गया है और इसके लिये इसमें ये प्रावधान किये गये हैं । इसलिए मैं आपके माध्यम से माननीय सदस्यों से आग्रह करूंगा कि वे इस बिल को अपना समर्थन देकर पास करें ।

उपसभापति : जैन साहब, वापस ले रहे हैं या आप मूव कर रहे हैं · · · (व्यवधान) · · ·

I shall now put the resolution to vote. (*Interruptions*).

SHRI DIPEN GHOSH : Instead, the Minister should tell us whether they are withdrawing the Bill.

THE DEPUTY CHAIRMAN : Are you withdrawing the resolution, Mr. Jain ?

DR. JINENDRA KUMAR JAIN : Madam, I am withdrawing it.

The Statutory Resolution was, by leave, withdrawn

THE DEPUTY CHAIRMAN : I shall now put the motion moved by Dr. Abrar Ahmed to vote.

The question is :

"That the Bill further to amend the Foreign Exchange Regulation Act, 1973, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN : We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 to 39 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

DR. ABRAR AHMED : Madam, I move :

"That the Bill be passed.

The question was put and the motion was adopted.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE INDIAN MEDICAL, AMENDMENT) ORDINANCE, 1993

II. THE INDIAN MEDICAL COUNCIL (AMENDMENT) BILL, 1993

THE DEPUTY CHAIRMAN : I must tell the hon. Members that we have the Statutory Resolution seeking disapproval of the Indian Medical Council (Amendment)

Ordinance, 1993, the Indian Medical Council (Amendment) Bill, 1993, the Statutory Resolution seeking disapproval of the Dentists (Amendment) Ordinance, 1993 and the Dentists (Amendment) Bill, 1993. I must remined Members that the Indian Medical Council Bill was already discussed in this House and passed and it was decided among the leaders of the various groups and parties that this Bill would be passed without discussion. But at the moment, we have some amendments moved by Mr. Madhavan. Mr. Madhavan ... (*Interruptions*).

DR. JINENDRA KUMAR JAIN (Madhya Pradesh) : Madam, before we go to the amendments ...

THE DEPUTY CHAIRMAN : Just wait, please. I know that you have your disapproval. I will allow you. Mr. Madhavan, I will give you permission to move your amendments and to speak on them, if you like, for a short time.

SHRI S. MADHAVAN (Tamil Nadu) : Yes, Madam. Thank you.

THE DEPUTY CHAIRMAN : But not now. Let me tackle Dr. Jain first.

AN HON. MEMBER : It is very difficult.

THE DEPUTY CHAIRMAN : Dr. Jain, if I remember correctly, you had spoken on this Bill and specially considering your medical expertise, your contribution was excellent. Now I feel, at that time, the Bill was passed by this House. In the light of that and in that spirit, you may speak for a few minutes but don't disapproved it so that we can move fast. We have a lot of business to finish. Otherwise, we will have no time for the Budget discussion.

DR. JINENDRA KUMAR JAIN : Madam, I fully appreciate your point. (*Interruptions*).

SHRI H. HANUMANTHAPPA (Karnataka) : Madam, you said that the Leaders have agreed to pass this Bill without discussion. Then why this special concession to Dr. Jain ?

THE DEPUTY CHAIRMAN : But he is opposing it. If you oppose it, I will allow you. (*Interruptions*).

SHRI H. HANUMANTHAPPA : That means he is opposing his leader. Let him accept this position. If the leader has accepted that without discussion, we will pass the Bill, then why is he speaking ? He wants to disapprove it also. That means he is disapproving the opinion of his own leader. (*Interruptions*)

THE DEPUTY CHAIRMAN : Now, Let the leader and the pleader decide between themselves.

SHRI S. K. T. RAMACHANDRAN (Tamil Nadu) : This shows the gross indiscipline prevailing in that party. (*Interruptions*).

THE DEPUTY CHAIRMAN : Dr. Jain, I will permit you to speak for two minutes to approve it or disapprove it. Now, go ahead.

DR. JINENDRA KUMAR JAIN : Madam, I am sure you will not be mislead by the distortions... (*Interruptions*)

THE DEPUTY CHAIRMAN : Nobody can mislead me except you.

DR. JINENDRA KUMAR JAIN : Madam, thank you very much for giving me the honour of a position which cannot be taken by anybody and I am the last man to mislead anybody and there is no question of my trying to mislead you. I have the duty to formally move my motion of disapproval against both the Bills— the Indian Medical Council (Amendment) Bill, 1993 and the Dentists (Amendment) Bill, 1993 and I would say that in the debate which was held during the Winter Session, I had given all the reasons for my disapproval and I had withdrawn my motions of disapproval on the specific assurance. Madam, leader after leader, speaker after speaker, cutting across party lines, had brought out one point that there is a need for comprehensive reforms in these vital areas of medical education and dental education and the then hon. Minister, Mr. M.

L. Fotedar, at that time had agreed to this. No we have a new Minister. I only want an assurance from the new Minister. The then Minister, Mr. M. L. Fotedar, had given me an assurance and had given an assurance to this House, as a reasonable person, that he would take into account all the constructive suggestions, which were made by various Members, and he would then come back to the House with a comprehensive amendment Bill and then I would withdraw, Madam. That is all. I want that the hon. Minister, who is a new person in the Health Ministry, should go through the entire debate which took place last time and he should honour the assurance which his predecessor had given to me and to this House and if he commits that he will fulfil that assurance, I will withdraw my notices of disapproval. I have finished before your deadline of two minutes, Madam.

उपसभापति : : मंत्री जी, कृपया आप अब बोल दीजिये ।

Mr. Madhavan, not now. Let the Minister speak. Then I will permit you. (*Interruptions*). It was agreed without knowing that Dr. J. K. Jain is going to give his disapproval.

THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI PABAN SINGH GHATOWAR) : Madam Deputy Chairman, last year, on 22nd December, 1992, this hon. House had very extensively discussed these two Bills and they had passed these Bills in the last Session. It was not possible to pass them in the Lok Sabha, so the Bills were left and we have come again to this House to request them to pass the Bills.

[4 P.M.]

There are two judgments given by the hon. Supreme Court, one on 30th July, 1992 and second on 4th February, 1993 and the implications of both the judgments will have to be studied by the Government. Once a decision has been taken finally... (*Interruptions*) ...

DR. JINENDRA KUMAR JAIN (Madhya Pradesh) : Madam, it is just a repetition of the assurance. We don't want to hear the whole thing again.

THE DEPUTY CHAIRMAN : Now he is giving the details. The Supreme Court judgment came afterwards. ... (*interruptions*) ...

SHRI PABAN SINGH GHATOWAR : I am coming to your point. The implications of the judgment will have to be studied by the Government. Once a decision has been taken finally upon the modality to be adopted in respect of the Supreme Court judgment, there would be no difficulty in bringing forward a comprehensive Bill for the provision other than contained in the two Bills presently under consideration.

DR. JINENDRA KUMAR JAIN : I am sorry, we will have to undertake the whole debate because with just a minor Cabinet reshuffle if the hon. Minister thinks that the entire context of the debate has changed, then the whole debate will have to take place again because the hon. Minister is referring to a particular Supreme Court judgment which only affects the question of capitation fees in the medical colleges. I have said—and an hon. Member also said—"We want comprehensive reforms in the entire gamut of medical education." And everybody had said that they were necessary and the hon. Minister had said, "I will very soon come to this House". Today he says, "We will study the implications of the Supreme Court judgment..."

SHRI PABAN SINGH GHATOWAR : No, no; I think, Dr. Jain will agree with me that the Bill was introduced in this House in 1987 and that the Bill was referred to the Joint Committee and all the proposals from the Joint Committee are with the Government and the Government is thinking of coming up with a comprehensive Bill on medical education.... (*Interruption*) ...

DR. JINENDRA KUMAR JAIN : I want you to give an assurance....

SHRI MD. SALIM (West Bengal) : Madam, on this point I want to mention one thing. This ordinance was brought because of *Mohini Jain* vs. *Karnataka Government* case on capitation fee isssue.

Secondly, we discussed it in the month of December, the senior Minister said, "It is *sub judice*." The Supreme Court is considering the case. Now the Minister says that they reissued the ordinance on 2nd of January. On 4th February the Supreme Court has already given its verdict. Now after the verdict is given, that argument does not hold good, that it is *sub judice*. Now why are they not bringing that comprehensive Bill which is pending ? It has been introduced in this House. And the Joint Committee unanimously recommended the reforms regarding the medical education and it is for streamlining. Now, the Government is trying to see ...(*interruption*)... The Government is trying how to somehow manage capitation privatise medical colleges.

When it has been reintroduced here in this Session, the Health Minister, Mr. Shankaranand, assured this House, "yes the Government is wedded to ban capitation fee, no privatisation of medical colleges, not even of engineering colleges and they will bring a comprehensive Bill." Now there is no case in the Supreme Court. The Supreme Court has given the verdict. Now it is the duty of the Government to bring that legislation which is pending and unanimously it was resolved in the Joint Committee.

THE DEPUTY CHAIRMAN : Let him answer.

DR. R. K. PODDAR (West Bengal) : It was three years ago when the Joint Committee recommended it. It was in 1989... (*interruptions*) ...

DR. JINENDRA KUMAR JAIN : Either we have a full debate or the Minister should reiterate the assurance that his predecessor gave us in the House.

THE DEPUTY CHAIRMAN : Let him react.

SHRI PABAN SINGH GHATOWAR : Madam, Deputy Chairman, the hon. Member has rightly said that there was a judgment given by the hon. Supreme Court and some of the petitioners have again approached the hon. Supreme Court to review the judgment by a Constitution Bench. And these two Bills are only for a limited purpose, just to open new medical and dental colleges. That was also one of the recommendations of the Joint Committee and because ...(*Interruptions*)...

SHRI MD. SALIM : Again he is misleading the House.

SHRI PABAN SINGH GHATOWAR : No, no, difinitely not. I am not misleading.

SHRI MD. SALIM : This is regarding the existing old private medical colleges allowing them to open new departments, new branches and increasing the number of seats. This is also in regard to the collection of annual fees and capitation fees. So, this is not in regard to the opening of new medical colleges only. Don't mislead the House.

उपसभापति : मंत्री जी, आप जरा उनको समझा दीजिए ।

As I understand, the Bill was discussed. At that time you rightly said and the Members agreed that there were some matters pending in the Supreme Court. Now the Supreme Court judgment has come and we have, at the moment, a clear-cut understanding what that matter is. In any case we have the Ordinance and we have to bring it in the form of a Bill to approve it. What they say is this : Does this Bill include the old medical colleges, opening of new branches and new departments ?

SHRI PABAN SINGH GHATOWAR : Yes. This includes the increase in the seats also.

THE DEPUTY CHAIRMAN : This Bill covers that also. That is what they are asking. (*Interruptions*)...

SHRI PABAN SINGH GHATOWAR : What my predecessor has said is that the Government is coming up with a comprehensive Bill and before coming up with a comprehensive Bill we have to take into consideration the recent Supreme Court judgment also.

THE DEPUTY CHAIRMAN : What the Minister says, as I understand it, is that

there is a commitment by the Government to bring a comprehensive Bill in the light of the recommendations of the Joint Committee of the Houses as well as in the light of the recent judgment of the Supreme Court. I feel, as we already have an Ordinance which has to be passed as a Bill while the session is on, I would request the Members that we get this thing passed if the Minister gives an assurance—if he wants to give—that he is going to bring a comprehensive Bill. (*Interruptions*)...

SHRI M. A. BABY (Kerala) : Just one minute, Madam. This has taken three years. (*Interruptions*)...

DR. JINENDRA KUMAR JAIN : Not three years. It is pending since 1977.

SHRI M. A. BABY : Madam, my point is that if the Government has the will, then they can come up with a Bill.

THE DEPUTY CHAIRMAN : He says if you have the will you can bring a Bill.

SHRI PABAN SINGH GHATOWAR : The hon. Members know better than me what the situation is. Since 1989 there were three Governments. This is the third Government. After introducing this Bill ours is the third Government. There were a series of changes in the Government also. (*Interruptions*) ... It is not the intention of the Government to keep this Bill pending. The Government is definitely trying to come up with a comprehensive Bill. It will definitely take some time in view of the recent judgment of the Supreme Court.

THE DEPUTY CHAIRMAN : You are bringing a comprehensive Bill ?

SHRI PABAN SINGH GHATOWAR : Yes.

THE DEPUTY CHAIRMAN : Okay. Now that assurance is there. (*Interruptions*) ...

SHRI MD. SALIM : The Minister was all the time saying that he would bring a comprehensive Bill. But this Bill is pending. This is the oldest Bill pending in the House. This Bill is pending. (*Interruptions*)...

THE DEPUTY CHAIRMAN : Now after his assurance we should go ahead. Let us deal with the amendments.

आप विदड्रा कर लीजिए ।

डा० जैनेन्द्र कुमार जैन : नहीं, अमेंडमेंट के बाद करूंगा ।

THE DEPUTY CHAIRMAN : Now, Mr. Madhavan, the Government is going to bring a comprehensive legislation. Do you feel that you would still like to speak on your amendment ?

SHRI S. MADHAVAN (Tamil Nadu) : It is entirely on a different matter.

THE DEPUTY CHAIRMAN : It is on a different point. You don't know what the Bill would be. May be, it is relevant to that Bill.

SHRI S. MADHAVAN : It is entirely different.

SHRI MD. SALIM : The Government is converting Government medical colleges into private medical colleges. Why are you putting amendments ?

THE DEPUTY CHAIRMAN : If you want to move it I have no problem at all.

SHRI S. MADHAVAN : I want to seek only one clarification.

THE DEPUTY CHAIRMAN : I am only abiding by the commitment of the various Members of the political parties who gave a commitment in the Business Advisory Committee. That is all.

SHRI S. MADHAVAN : Madam, only one clarification. Now even the State Governments can start medical colleges. Private people can also start medical colleges. But both have to go to the Indian Medical Council for approval. Now you are amending the Act. The Central Government can start medical colleges but the State Governments cannot. The definition says like that. But I am very particular about this. In Clause 2 you have excluded the Central Government alone. Even universities have to get the permission. But why not the State Government ? Our State Government is running medical colleges in every district. You want to take away the power of the State Government. You want the State Government to come

to the Central Government for permission for opening a new medical college. Why do you want to take away the power of the State Government ? That is the point I have raised in this amendment. Here the Government of India wants to take away the power of the State Government.

SHRI PABAN SINGH GHATOWAR : Madam, it is not a fact that the Central Government is trying to ban opening of new medical colleges. But the Indian Medical Council has set some standards for opening of medical colleges. As you know, some of the medical colleges and dental colleges started by the Government are not recognised by the Indian Medical Council because they are not up to the set standards. They have no laboratories, no hospitals, etc. as required by the Indian Medical Council. They have to come and satisfy the Government that this is the infrastructure for opening new medical colleges. There is no ban on opening new medical colleges. They can come to the Government and the Government will....

SHRI S. MADHAVAN : You see your Explanation 1 on page 2. Here "person" means not the Central Government. You have got powers to start medical colleges. But you have taken away the powers of the State Government to start new medical colges. Clause 2 is very clear. The Central Government is excluded, not the State Government.

SHRI PABAN SINGH GHATOWAR : I have already said that exclusion means, they have to come to the Central Government with a proposal for opening medical colleges.

SHRI S. MADHAVAN : I think, you have not followed me. The Central Government can start medical colleges without going to the Indian Medical Council. But why is the State Government excluded ? We have many colleges. You are excluding the State Government. That is the point. You must amend the Explanation.

SHRI S. K. T. RAMACHANDRAN : Madam, I don't think the Central Government is trying to usurp the power of the State Government. I don't know what apprehension hon. Mr. Madhavan is having. There are some cases where the State Government starts some medical college and after some time it sells that medical college to private parties. Probably, the hon. Member may be having that in mind. Perhaps, he wants to retain such kind of State trading in medical colleges.

SHRI S. MADHAVAN : I think, my friend has not followed my point. Perhaps he has not read the Bill.

SHRI PABAN SINGH GHATOWAR : Can I reply to your query ? Even today degrees have been incorporated in the Schedule to the Indian Medical Council Act on the recommendation of the Indian Medical Council by the Central Government. To that extent the powers of recognising a degree is already vested only in the Central Government. In the present case the provision is to give permission to establish a college at the level of the Central Government. This was, in fact, one of the major recommendations of the Joint Committee and the provision has been incorporated in keeping with the recommendation. The Central Government is under the provisions of the Ordinance and the proposed Bill formulating a scheme according to which an organisation desirous of setting up medical or dental colleges would have to satisfy the authority about the availability of land, hospital, staff, equipment and financial resources to support the same before permission is accorded. They can come to the Central Government. The Central Government will give permission within one year. That is there in the Bill itself.

DR. JINENDRA KUMAR JAIN : Madam, I beg to move the following Resolution :

> "That this House disapproves of the Indian Medical Council (Amendment) Ordinance, 1993, (No. 2 of 1993) promulgated by the President on the 2nd January, 1993."

THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI PABAN SINGH GHATOWAR) : Madam, I beg to move :

> "That the Bill further to amend the Indian Medical Council Act, 1956, as

passed by the Lok Sabha, be taken into consideration."

The questions were proposed.

THE DEPUTY CHAIRMAN : Both the Resolution and the motion are moved. We are not having any discussion on them.

DR. JINENDRA KUMAR JAIN : Madam, it is evident that the hon. Minister is new to the job. He has to get acquainted with the vast Ministry. But I know he is sincere and I trust his assurances given to the House. Therefore, I withdraw my Resolution.

The Resolution was, by leave, withdrawn.

THE DEPUTY CHAIRMAN : I shall now put the motion moved by the Minister to vote.

The question is :

"That the Bill further to amend the Indian Medical Council Act, 1956, as passed by the Lok Sabha be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN : We shall now take up clause-by-clause consideration of the Bill. There are 20 amendments to clause 2, but they are not moved.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Clause I, the Enacting Formula and the Title were added to the Bill.

SHRI PABAN SINGH GHATOWAR : Madam, I beg to move :

"That the Bill be passed."

The question was put and the motion was adopted.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE DENTISTS (AMENDMENT) ORDINANCE, 1993

II. THE DENTISTS (AMENDMENT) BILL, 1993

THE DEPUTY CHAIRMAN : We shall now take up the Denstists (Amendment) Bill, 1993. Dr. Jain, are you moving your Resolution ?

DR. JINENDRA KUMAR JAIN : Madam, I beg to both move and withdraw my Resolution.

THE DEPUTY CHAIRMAN: Dr. Jain, first you move the Resolution and then at the withdrawal stage I will ask you to withdraw.

DR. JINENDRA KUMAR JAIN : Madam, I beg to move the following Resolution :

"That this House disapproves of the Dentists (Amendment) Ordinance, 1993 (No. 3 of 1993) promulgated by the President on the 2nd January, 1993."

THE DEPUTY CHAIRMAN : Dr. Jain, you are a doctor and you must know if you withdraw at the wrong time you might have withdrawal symptoms.

THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI PABAN SINGH GHATOWAR) : Madam, I beg to move :

"That the Bill further to amend the Dentists Act, 1948, as passed by the Lok Sabha be taken into consideration."

The questions were proposed.

DR. JINENDRA KUMAR JAIN : Madam, before withdrawing, I would like to inform you that one has withdrawal sysmptoms when one is some kind of an addict. Here we are doing a very important duty of improving the laws of our land and in the case of such withdrawals I assure you there will be no chance for such withdrawal symptoms. I give you this piece of information which is not only good for you but for the entire House. I have pleasure to withdraw my Resolution because I trust the assurances given by the hon. Minister.

The Resolution was, by leave, withdrawn.

THE DEPUTY CHAIRMAN : I shall now put the motion moved by the Minister to vote.

The question is :

"That the Bill further to amend the Dentists Act, 1948, as passed by the Lok Sabha, be taken into consideration."